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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,434	10/18/1999	DORON FRIEDMAN	F0011/7000	2811

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EXAMINER

LE, TUONGDUY L

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/420,434

Applicant(s)

FRIEDMAN ET AL.

Examiner

TuongDuy L Le

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 10-18-99
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is first office action in response to application filed, with above serial number, on October 18, 1999 in which claims 1-24 are presented for examination. Claims 1-24 are therefore pending in this application.

#### *Specification*

The Specification of this application is objected to because the claims do not start on separate sheet. Appropriate correction is required.

#### *Drawings*

This application has been filed with informal drawing, which are acceptable for examination purpose only. Formal drawing will be required when the application is allowed.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector (hereinafter "Spector", 5,870,718) in view of Tackbary et al (hereinafter "Tackbary" 5,555,496).

As per claims 1,4,12 Spector discloses: In a computer system connectable to a computer network, a method comprising:

Maintaining a network accessible compilation of cards; receiving data identifying one of the cards; receiving data defining modifications to the cards (see figure 1: element C-P, 15, and 16; col 3 lines 1-7).

Presenting an image of the card in combination with the received; modifications in WYSIWYG format (see figure 2; col 3 lines 64-67).

Although the method disclosed by Spector shows substantial features of the claimed invention (discussed above), it fails to disclose: receiving data identifying a destination address (postal address) of the card. Nonetheless, this feature is well known in the art and would have been obvious modification of the method disclosed by Spector, as evidenced by Tackbary. In an analogous art, Tackbary discloses a computer system connectable to a computer network, a method comprising: receiving data identifying a destination address (postal address) of the card (see figure 6a: elements 725, 730; col 9, lines 43-49). Given the teaching of Tackbary, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Spector by employing the well known or conventional feature of a network, such as disclosed by Tackbary, in order to provide a convenient and fast service for buyers or users.

As per claim 2, Spector discloses: transmitting data representing modifications to the card over the computer network to a peripheral apparatus (see col 3 lines 45-48).

As per claim 3, Spector discloses: printing the card with a peripheral device (see col 3 lines 45-47).

As per claim 5, Spector fails to explicitly disclose: transmitting data identifying the card over the computer network to a remote database. However Tackbary teaches us a similar method that allows user transmitting data identifying the card over the computer network to a remote database (see figure 11, and col 12, lines 23-27). Therefore, a person of an ordinary skill in the art at the time invention was made would have found it obvious to combine the teaching of Spector and Tackbary by incorporating in Spector's system Tackbary's teaching related to transmitting data identifying the card over the computer network to a remote database because this would allow users to read and change/edit ~~to~~ the card directly from remote database.

As per claim 11, Spector discloses: the data defining modifications to the card comprises data representing user defined text (see col 3, lines 38-42).

As per claim 13 Spector discloses: In a computer usable memory, a data structure representing a card, the data structure comprising: data identifying one of a plurality of card templates; data identifying modifications to the identified card template (see col 3 lines 64-66); data associating the card with an electronic commerce vendor transaction (see figure 2).

Although the method disclosed by Spector shows substantial features of the claimed invention (discussed above), it fails to disclose: data defining an address to which the card will be sent. Nonetheless, this feature is well known in the art and would have been obvious modification of the method disclosed by Spector, as evidenced by Tackbary. In an analogous art, Tackbary discloses a data structure representing the card, the data comprising: data defining an address to which the card will be sent (see figure 6a: element 725, 730). Given the teaching of Tackbary, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Spector by employing the well known or conventional feature of a network, such as disclosed by Tackbary, in order to provide users with the ability to easily manage and deliver greeting cards over the network.

As per claims 14, 15 Spector discloses: data associating the card with an electronic commerce vendor transaction comprises: data defining a vendor identifier; data defining a vendor transaction identifier (see figure 2, col 4 lines 8-11, and lines 17-20).

As per claim 16, Spector discloses: data associating the card with an electronic commerce vendor transaction comprises: data defining a vendor network address (see figure 1 store A,B,C, col 3 lines 23-29).

As per claim 17, Spector fails to disclose: graphical information and data defining the relationship of the graphical information to the card image. However Tackbary teaches us a such

relationship of the graphical information to the card image (see col 10 lines 43-51). Therefore, a person of an ordinary skill in the art at the time invention was made would have found it obvious to combine the teachings of Spector and Tackbary by incorporating in Spector 's system Tackbary 's teaching related to relationship of the graphical information to the card image because this would enhance and make greeting cards more special and meaningful.

As per claim 18, Spector discloses: A method for sending greeting cards over a computer network comprising: selecting a card from one of a plurality of card; modifying the card; viewing the modifications to the card in WYSIWYG format (see col 3, lines 64-66).

Designating a destination address; transmitting any of the card identifier, data modifying the card and destination address to a remote location over a computer network (see col 3 lines 47-48).

Authorizing printing of the card in combination with the modifications (see col 3 lines 44-48).

Spector teaches all limitations of claim 18 except for teaching a method that is: authorizing delivery of the card to the destination address in conjunction with an electronic commerce transaction with which the card is associated. However, Tackbary teaches us a similar method that related to authorizing delivery of the card to the destination address in conjunction with an electronic commerce transaction with which the card is associated (see col 12 lines 57-67 and col 13 lines 1-3). Therefore, a person of an ordinary skill in the art at the time invention was made would have found it obvious to combine the teachings of Spector and Tackbary by incorporating in Spector 's method Tackbary 's teaching related to authorizing delivery of the card to the destination address because this would provide a fast and convenient way for users/buyers who do want to save his/her time for another important job.

As per claim 19, Spector discloses: A computer system connectable to a computer network comprising:

A processor; a memory coupled to the processor for storing a plurality of card; a network interface coupled to the processor in a memory (see figure 1, element 11; and col 3 lines 49-54). Program logic configured to receive data identifying one of the plurality of cards and further defining modifications to the card; program logic configured to present an image of the card in combination with the received modifications to the card (see figure 1: element 15; col 3 lines 64-66, and figure 2)

Program logic configured to receive data identifying a destination address of the card; program logic configured to receive data identifying a vendor transaction associated with the card and program logic configured to transmit any of the card identifier, data modifying the card, destination address and vendor transaction identifier to a remote location over a computer network (see col 3 lines 46-49; and lines 38-41; figure 2 registration number is transaction).

As per claims 20,21,22 Spector discloses: data identifying a vendor transaction comprises data defining a vendor identifier; data identifying a vendor transaction comprises data defining a vendor transaction identifier; data identifying a vendor transaction comprises data defining a vendor network address (see figure 2 Bloomingdale's store and registration number; figure 1: elements A, B, C).

As per claim 23, Spector discloses: program logic configured to receive payment for the card and for remit a portion of the payment to an identified charitable entity (see col 4 lines 20-24).

As per claim 24, Spector discloses: program logic configured to present a graphic user interface having an appearance similar to a vendor website (see col 4 lines 15-19).

3. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector in view of Tackbary as applied to claim 1 above and further in view of Patton (hereinafter "Patton", 5,072,253).

Although the combine teaching of Spector and Tackbary show substantial features of the claimed invention (discussed above), it fails to disclose: the data defining modifications to the card comprises data defining a graphical image; a font color; a font size; a font style; and data representing scanned information. Nonetheless, this feature is well known in the art and would have been obvious modification of the method disclosed by Spector in view of Tackbary, as evidenced by Patton. In an analogous art, Patton discloses a method comprising: the data defining modifications to the card comprises data defining a graphical image; a font color; a font size; a font style; and data representing scanned information (see col 3 lines 29-44). Given the teaching of Patton, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Spector in view of Tackbary by employing the well known or conventional feature of the data modifying the greeting card, such as disclosed by Patton, in order to provide users to have more option to personalize and customize their greeting cards.



*Conclusion*

Claims 1-24 are rejected in this application. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Hsu et al ,6,295,058 (see abstract); Wright 5,426,594 (see col 6 lines 23-50; and col 10-16) Applicants are requested to consider the prior art references for relevant teachings when responding to this office action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuongDuy L Le whose telephone number is 703-305-5138. The examiner can normally be reached on Monday-Friday(8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 703 305 4792. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

TuongDuy L Le  
Examiner  
Art Unit 2157

TD  
May 21, 2002

  
ARIO ETIENNE  
PRIMARY EXAMINER